



July 16, 2021

Planning Commission
Kasson Township
P.O. Box 62
Maple City, MI 49664

RE: Lively Holdings, LLC Special Use Permit review

Dear Planning Commission Members:

It is my understanding that several aspects of the Lively Holdings, LLC (“Lively”) special use permit are scheduled to be addressed at Monday’s meeting including increasing the number of campsites from 15 to 40, and approving the use of a retail store either under an open-air pavilion or under a pop-up tent on the lawn. There has also been discussion about conducting *outdoor* public and semi-public gatherings.

The Lively property is located in the Commercial Zoning District regulated under Section 4.9 of the Zoning Ordinance (“ZO”).

Section 4.9.1 describes permitted uses:

A. Public and semi-public uses, including community meeting halls, public or private schools, athletic clubs, museums, libraries, parks and playgrounds and structures typically constructed as part of these types of facilities.

B. The following commercial uses: • Banks and other financial institutions. • Offices and personal service establishments. • Retail stores. • Restaurants.

Section 4.9.2 describes the special land uses:

Section 4.9.4 describes the *Performance Standards* in the Commercial District:

A. All uses in this district shall be subject to Chapter 8, Development Site Plan Review.

B. Any use allowed in this district shall be so situated and operated that it shall not become a nuisance to the neighbors. [Emphasis added]

Kent E. Gerberding
Michael I. Conlon
Catherine D. Jasinski
Thomas A. Grier
Julie A. Gillum
Jeffrey R. Wingfield

Of Counsel:
Richard W. Ford

Harry T. Running
(1911 – 1992)

William L. Wise
(1928 – 2014)

Miles C. Gerberding
(1930 – 2015)

Traverse City
1501 Cass Street, Suite D
PO Box 686
Traverse City, MI
49685-0686
Ph. 231.946.2700
Fax. 231.946.0857

Frankfort*
Frankfort, MI 49635
Ph. 231.946.2700

*By Appointment Only

C. All commercial activities and operations shall be carried on within an enclosed structure unless specifically permitted to do otherwise by a Special Use Permit.

Land and structural uses that are not specified in any other section of this Ordinance, but upon being applied for under the provisions of Chapter 7, may be considered by the Planning Commission as long as they meet all the conditions and requirements of this Chapter and the spirit and intent of the Ordinance.

ZO Section 8.1 describes the purpose of required site plan review:

Land development affects the character of the community and its public health, safety, and general welfare. This Chapter provides that all land uses shall be subject to development site plan review except a single or two-family dwelling located on a single lot and agricultural uses not subject to a Special Use Permit or as otherwise indicated in this Ordinance. [Emphasis added]

As the Planning Commission (“PC”) is aware, special land uses are also subject to standards and conditions to protect neighboring properties.

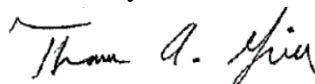
It is within this context, *of avoiding harm and nuisances to neighboring properties and the community*, that the PC authorized the hiring of an independent sound engineer, Darren Brown of Kolano and Saha, to address the potential sound and noise (nuisance) issues associated with the following general categories of uses: 1) the continuation of the three large outdoor festivals 2) amplified music associated with the indoor event facility and 3) acoustic music and other sounds associated with more general outdoor gatherings (which would include public and semi-public gatherings).

The sound engineer has not yet conducted on-site testing and a report, and for that reason, no special land use approvals, either temporary or permanent, for any of the above uses, should be granted until Mr. Brown’s work has been completed.

My recommendation is that the approvals be confined to the camp site expansion and to the outdoor retail store at this time.

Please see Mr. Brown’s attached letter, dated July 16, 2021, in support of this procedure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas A. Grier". The signature is fluid and cursive, with the first name "Thomas" and last name "Grier" clearly distinguishable.

Thomas A. Grier